

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 28, 2009

D056369 Alonzo F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alonzo F. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D053583 Lake v. Griffin et al.

D054311 Lake v. Griffin et al.

(Consolidated) The order denying the petition to compel arbitration is affirmed. The order awarding attorney fees is reversed with directions to enter a new order denying an award of attorney fees, without prejudice to any future determination of prevailing party status at an appropriate time, if that becomes necessary. All parties are to bear their own costs on appeal.

Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D054264 People v. McBride

Appellant's "Application to Vacate Submission Order and for a Date to Be Set for Oral Argument" is granted. Submission of the above-entitled case is vacated to allow the parties to present oral argument and will be resubmitted upon completion of oral argument. (Cal. Rules of Court, rule 8.256(e)(1).) Counsel will be notified in writing of the date and time for oral argument.

D054762 Winchel v. Lowry

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

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- D055903 People v. Cole**
Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D056491 People v. Torquato**
The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment has been entered.
- D054202 Sommer v. Hawkes**
The petition for rehearing is denied.
- D054023 People v. Taylor**
D055495 In re Taylor on Habeas Corpus
The pending appeal entitled People v. Anthony Taylor, Case No. D054023, and the pending writ of habeas corpus, In re Anthony L. Taylor, Case No. D055495, are consolidated for consideration and disposition.
- D054023 People v. Taylor**
D055495 In re Taylor on Habeas Corpus
The judgment is affirmed. The petition for writ of habeas corpus is denied.
Haller, J.; We Concur: McConnell, P.J., O'Rourke, J.
- D055944 Leanna K. v. The Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The petition is denied. Nares, J.; We Concur: Haller, J., Aaron, J.
- D054302 In re Melinda V., a Juvenile**
The matter is remanded to the juvenile court to strike the assault count. The court is also ordered to modify the no-contact probation condition as stated in this opinion. In all other respects, the judgment is affirmed.
McIntyre, J.; We Concur: McConnell, P.J., O'Rourke, J.
- D054470 Warburton et al. v. Zinner et al.**
The order is reversed. Appellants are awarded costs on appeal.
McConnell, P.J.; We Concur: Haller, J., Irion, J.
- D054312 Truong et al. v. Glasser**
The judgment is affirmed. Glasser is entitled to costs on appeal.
McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 29, 2009 (Continued)

D054037 People v. Thompson

The correct sentence is reflected in the court's minutes and the abstract of judgment—not in the court's oral pronouncement of sentence as stated in the reporter's transcript. As such, the judgment with the sentence of 26 years four months is affirmed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

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December 30, 2009

- D054742 People v. Garcia**
The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Haller, J.
- D055808 In re V.S., a Juvenile**
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 8.412(d)(1)(A), and 8.416(g). The appeal is dismissed.
- D054199 In re the Marriage of Escobedo and Blazeovich**
The order is affirmed. Escobedo and DCSS are entitled to their costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D056506 People v. Simmons**
The denial of a petition for writ of habeas corpus is not appealable. The appeal filed on December 9, 2009, is dismissed.
- D056409 Mediaventive, LLC et al. v. The Superior Court of San Diego County/Barber et al.**
The petition for writ of mandate and opposition have been read and considered by Justices Nares, McDonald and O'Rourke. The petition is denied without prejudice to renew the petition in the event the superior court sanctions the subsidiaries for refusing to produce documents.

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December 31, 2009

- D054181 Valdivia et al. v. Certaineed Corporation et al.**
The judgment is reversed. Valdivia shall recover costs on appeal.
O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.
- D056134 Valenzuela et al. v. County of San Diego et al.**
The order of dismissal is vacated and the appeal is reinstated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 1, 2009

Court Holiday